

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

DANNY HOLLOWAY, JAMES
KOHLHAGEN, JEFFREY LEFFIN, AND
KEITH PFISTER, on behalf of themselves and
all others similarly situated,

PLAINTIFFS,

vs.

KOHLER CO. AND THE KOHLER CO.
PENSION PLAN.

DEFENDANTS.

No. 2:23-cv-01242-JPS

CLASS ACTION

**DECLARATION OF DOUGLAS P. NEEDHAM IN SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY APPROVAL OF CLASS SETTLEMENT**

I, Douglas P. Needham, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a senior counsel with the law firm Motley Rice LLC, co-counsel for the Plaintiffs, Danny Holloway, James Kohlhagen, Jeffrey Leffin, and Keith Pfister.

2. I have been actively involved in all material aspects of the Action, which are described more fully in the accompanying Declaration of Robert A. Izard ("Izard Declaration"). I make this Declaration in support of Plaintiffs' Motion for Preliminary Approval of Class Settlement..

3. Motley Rice has substantial experience in class actions, complex litigation, and ERISA litigation. A copy of the firm's resume is attached to this Declaration as **Exhibit A**. Izard Kindall & Raabe and Motley Rice have represented plaintiffs in several cases involving ERISA's actuarial equivalence requirements, including the cases cited in ¶ 25 of the Izard Declaration. Based on our experience, knowledge of evolving caselaw and substantial investigation of the

facts at issue in this case, Motley Rice strongly supports the proposed Settlement.

4. Plaintiffs will request an award of \$735,000 in attorneys' fees, which is approximately 30% of the Settlement. Motley Rice believes this request is reasonable for the reasons more fully described in ¶¶ 29-31 of the IZARD Declaration.

5. Plaintiffs also intend to seek reimbursement for the expenses that counsel incurred while prosecuting the Action. I have reviewed Motley Rice's out-of-pocket expenses in connection with the Action, information that Motley Rice maintains in the ordinary course of business. To date, Motley Rice has incurred \$11,657.80 in out-of-pocket expenses while prosecuting this case, as summarized in the below chart.

Expense Type	Amount
Experts	\$ 11,650.00
Online Research	\$ 7.80
Total	\$ 11,657.80

6. Each of these expenses are reasonable and were necessary for the effective and efficient prosecution and resolution of the Action.

7. Plaintiffs also intend to request that the Court award a case contribution award to each of the Plaintiffs of up to \$2,500. Each Plaintiff has been an active participant in the litigation and the case could not have been litigated without them. Their efforts on behalf of all members of the Class deserve compensation.

Executed this 12th day of June 2024 in Hartford, Connecticut.

/s/ Douglas P. Needham
Douglas P. Needham